

NOTIFICATION

Home Department,
Mantralaya, Mumbai-400032.

Dated the 29 December 97.

No. SPP-2295/CR-149(B)/POL-10 . - In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and in supersession of all the existing rules, orders or instruments made in this behalf, the Governor of Maharashtra is hereby pleased to make the following rules regulating recruitment to the posts of Deputy Directors, Assistant Director and Public Prosecutor and Additional Public Prosecutor (Group-A) in the Directorate of Public Prosecutions under the Home Department of the Government of Maharashtra, namely:-

1. These rules may be called as the Deputy Director, Assistant Director and Public Prosecutor and Additional Public Prosecutor (Group-A) in the Directorate of the Public Prosecutions, Maharashtra State (Recruitment) Rules, 1997.

2. In these rules, unless the context requires, otherwise : -

- (a) " Commission ": means the Maharashtra Public Service Commission;
- (b) " degree " means a degree of a Statutory University;
- (c) " Directorate " means the Directorate of Public Prosecutions, Mahara-shtra State;
- (d) " Government " means the Government of Maharashtra.

3. Appointment to the post of Deputy Director, Public Prosecution (Group-A) in the Directorate shall be made either

a) by promotion on the basis of Strict Selection from amongst the persons holding the post of Assistant Director and Public Prosecutor from the cadre of Assistant Director and Public Prosecutor or from the officer on the equivalent post who has served for not less than 3 years on regular basis in the Directorate; or

b) by transfer of a person from the cadre of Additional District and Sessions Judge.

4. Appointment to the post of Assistant Director and Public Prosecutor (Group-A) in the Directorate shall be made by promotion on the basis of Strict selection from amongst the persons holding the post of the Additional Public Prosecutor from the cadre of Additional Public Prosecutor or officer on the equivalent post who has served for a period of not less than 3 years on regular basis in the Directorate.

5. Appointment to the post of the Additional Public Prosecutor (Group-A) in the Directorate shall be made either:-

a) by promotion on the basis of strict selection from amongst the persons holding the post of Assistant Public Prosecutor from the cadre of Assistant Public Prosecutor who has served for a period of not less than 5 years on regular basis as Prosecutor;

b) by nomination from amongst the person who :-

- i) are not more than thirty six years of age
- ii) possess a degree in law ;
- iii) possess **experience** of working as an advocate in the High Court or in a Court subordinate thereto, for a period of eight years.

6. Notwithstanding anything contained in sub-clause(iii) of clause(b) of rule 5, if at any stage of selection, the Commission is of the opinion that sufficient number of candidates possessing the requisite experience are not available to fill up the vacancies reserved for candidates belonging to Scheduled Caste, Scheduled Castes converts to Buddhism, Scheduled Tribes, Denotified Tribes or Nomadic Tribes, then the Commission may in the matter of such selection, relax the condition in the respect of period of experience set out therein and select suitable candidate belonging to such Castes or Tribes.

7. A person appointed to the post of Additional Public Prosecutor by nomination shall be on probation for a period of two years.

8. Appointed to the post of Additional Public Prosecutor by way of nomination and promotion shall be made in the ratio of 50:50.

9. A person appointed to the post in rules 3,4 and 5 by promotion or nomination shall be required to pass the Departmental Examination and examinations in Hindi and Marathi according to the rules made in that behalf, unless he has already passed, or has been exempted from passing those examinations.

10. A person appointed to the posts shall be liable for transfer anywhere in the State of Maharashtra.

By order and in the name of the
Governor of Maharashtra,

(D. V. Ekbote)

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Deputy Secretary to Government.

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